

is entitled to judgment as a matter of law. Each of the matters required by Local Civil rule 56.3(a) are set forth in the Texas's Brief in Support of Summary Judgment.

In support of this Motion, Texas relies upon the following:

1. Defendants' Administrative Record, Dkt. No. 15;
2. Texas's Original Complaint and Petition for Review, Dkt. No. 1; and,
3. All further evidence necessary to support this Motion.

Texas respectfully requests the following relief against the Defendants, their agents, servants, employees, attorneys, and all persons and entities in active concert or participation with them, directly or indirectly:

1. A declaratory judgment that the Final Rule violates the Administrative Procedure Act (APA) because it is in excess of the Defendants' statutory jurisdiction, authority, or limitations;
2. A declaratory judgment that the Final Rule violates the APA is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
3. A declaratory judgment that the Final Rule violates the Spending Clause of the United States Constitution and is thus unlawful under the APA; and,
4. An order vacating the Final Rule.

Wherefore, Texas respectfully requests that judgment be entered in its favor and against Defendants.

Dated: February 9, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 9, 2024, a copy of the foregoing document was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on all attorneys of record in this case.

/s/ Logan Harrell
LOGAN HARRELL
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